

## **REMARKS**

Applicant, by the amendments presented above, has made a concerted effort to present claims which more clearly define over the prior art of record, and thus to place this case in condition for allowance. Currently, claims 1-5 and 7-47 are pending and claims 1-12 have been examined.

### ***Claim Rejections - 35 U.S.C. §112***

Claims 1-12 were rejected under 35 U.S.C. §112, second paragraph. Claims 1 and 2 have been amended to overcome or correct the lack of antecedent basis. Reconsideration and withdrawal of the rejection is requested.

### ***Claim Rejections - 35 U.S.C. §103***

Claim 1 was rejected under 35 U.S.C. §103 as being unpatentable over United States Patent No. 5,640,951 to Huddart in view of JP 09234247 A to Noda. Claim 1 was also rejected under 35 U.S.C. §103 as being unpatentable over United States Patent No. 6,349,722 to Gradon in view of JP 09234247 A to Noda. Applicant requests reconsideration and withdrawal of the rejection in view of the amendments to claim 1 and the remarks herein.

Claim 1 has been amended to include features of claim 2 and claim 6. In particular, newly amended claim 1 discloses a humidification apparatus that includes control means that estimates a rate of condensation in the transportation pathway means based on the absolute humidity sensed by a humidity sensor. Using this rate of condensation, the control means controls the chamber heating means to reduce condensate in the transportation pathway means. Applicant submits that neither Huddart nor Noda, alone or in combination, teaches or

discloses the direct measurement and control of humidity and the calculation of an estimation of a rate of condensation for use in the control of a humidifier to reduce condensation a transportation pathway supplying gases to a patient as required in amended claim 1. In addition, Applicant submits that neither Gradon nor Noda, alone or in combination, teaches or discloses the direct measurement and control of humidity and the calculation of an estimation of a rate of condensation for use in the control of a humidifier to reduce condensation a transportation pathway supplying gases to a patient as required in amended claim 1.

Therefore, Applicant submits that amended claim 1 is allowable over the prior art cited by the Examiner. Reconsideration and allowance is requested.

#### ***Claims 2-12***

Applicant has amended claim 2 to delete the reference to the "storage means" and submits that it is now definite. Consideration of claims 2-12 is requested.

#### ***Information Disclosure Statement***

The Examiner advised that an Information Disclosure Statement filed on 18 May 2001 was received and noted in the file. Applicant submits that an Information Disclosure Statement was not filed on May 18, 2001, but one was filed on June 14, 2001, copy enclosed. A copy of the return postcard from the United States Patent and Trademark Office is enclosed indicating that the Information Disclosure Statement filed on June 14, 2001 was received on June 18, 2001. Because this Information Disclosure Statement was timely filed, consideration is requested.

In addition, Applicant submitted an Information Disclosure Statement on February 27, 2003. Consideration of same is requested.

Applicant has submitted a Petition for a One-Month Extension of Time concurrently herewith to extend the date for response up to and including May 31, 2003.

In view of the above Amendments and Remarks, Applicant respectfully submits that the claims of the application are allowable over the rejections of the Examiner. Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

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